

PATENT

Atty. Dkt. No. NEKT/0002

REMARKS

This is intended as a full and complete response to the Final Office Action dated April 25, 2005, having a period for response extended by appeal to expire on September 6, 2005. Please enter this amendment and reconsider the claims pending in the application for reasons discussed below.

Claims 19-32 remain pending in the application and are shown above with proposed amendments to place the claims in condition for allowance. Claims 19-32 stand rejected. Reconsideration of the rejected claims as amended is requested for reasons presented below.

Independent claims 19 and 32 are amended to identify a group of pharmaceutically active agents listed in the specification at pages 6-7. Applicant proposes this amendment because prior arguments that the references of record do not relate to pharmaceutically active agents have not been considered. Claims 19-22 as amended recite specific pharmaceutically active agents as taught in the specification.

Claims 19-24 and 26-32 stand rejected under 35 USC § 102(b) or 35 USC § 103 in view of *Ketcham*, on grounds that the reference describes processing of pharmaceutically active agents as recited in the claims. The Examiner's assertion that *Ketcham* relates to pharmaceutically active agents is not supported by any evidence of record. Applicant has amended the independent claims to specify pharmaceutically active agents listed in the specification. *Ketcham* teaches processing of metal oxides or metal oxide precursors such as zirconium hydroxynitrate, and not processing of any compound recited in claims 19-24 and 26-32. Therefore, *Ketcham* does not teach, show, or suggest the subject matter of claims 19-24 and 26-32. Entry of the amendment and withdrawal of the rejection is respectfully requested.

Claim 25 stands rejected under 35 USC § 103 in view of the combination of JP 408015955 with *Ketcham*, on grounds that the JP reference shows the additional features of dependent claim 25. The Examiner's further reliance on the assertion that *Ketcham* relates to pharmaceutically active agents remains unsupported by any evidence of record. Applicant has amended independent claim 19 to specify pharmaceutically active agents listed in the specification. *Ketcham* teaches processing

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of metal oxides or metal oxide precursors such as zirconium hydroxynitrate, and not processing of any compound recited in claim 25. Therefore, *Ketcham* in combination with JP 408015955 does not teach, show, or suggest the subject matter of claim 25. Entry of the amendment and withdrawal of the rejection is respectfully requested.

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed.

Having addressed all issues set out in the Final Office Action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted,



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